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cc:
Subject: NEPA Task Force comments

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**Montana
Mining
Association**

PO Box 5567 Helena, MT 59604

September 23, 2002

NEPA Task Force
PO Box 221150
Salt Lake City, UT 84122

Dear NEPA Task Force Members,

The Montana Mining Association is issuing these comments in response to the CEQ's Notice and Request for Comments published in the *Federal Register* on July 9, 2002.

The Montana Mining Association is a trade organization representing various mining interests and the companies which supply goods and services to these interests. Over the course of the association's 30 year history there has been a precipitous decline in the exploration for minerals and production of minerals in Montana. This decline can be attributed to many different factors, not the least of which is the National Environmental Policy Act.

The National Environmental Policy Act (NEPA) was intended to be a simple procedural statute encouraging the co-existence between man and his environment. The NEPA was created to ensure a balance between the protection of the environment and the welfare of man. The current role of NEPA provides no balance and leaves the welfare of man out of the equation of environmental protection.

The NEPA was intended to be used as an analysis of the significance of the proposed project to the human environment. It is to be a document of procedure to be used in concert with other analyses, permits and statutes. Over the course of several years and many modifications the NEPA is being used by the federal government as a document for planning, permitting and compliance. Because of this misuse in implementation by the federal government the NEPA process is constantly identified in litigation and appeals against mining companies. The parties entering into litigation with mining companies cite incompleteness in NEPA review because there is no clear level of analysis in the policy, there are no limiting factors on comprehensive analysis and no clear time frames for how much analysis is necessary and for how long.

The inconsistency in NEPA review results in uncertainty for mining companies attempting to develop a mineral deposit. There are no identified boundaries in

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amount of analysis required, the cost to develop an EA or EIS, or a time line in completing an EA or EIS. No business can operate in such an uncertain environment and because of this NEPA is failing to follow its directive of fulfilling the economic requirements of America.

The Montana Mining Association believes there are benefits in the NEPA, however certain improvements can be made in its implementation. The NEPA must provide a time limit on new information relating to a project in order to limit the analysis paralysis. The NEPA should focus EIS analysis on risks of significance and probability. Finally, the NEPA task force should focus on finding solutions to limit the constant threat of appeal and litigation from obstructionist public interest groups.

Sincerely,

Angela Janacaro
Executive Director